

# **METHODOLOGY for ASSESSMENT REPORT**

**Re: Transfers of PRPB's personnel**

**Office of the Technical Compliance Advisor  
to the Agreement for the Sustainable Reform  
of the Puerto Rico Police Bureau (PRPB)**

## **TCA ASSESSMENT METHODOLOGY FOR:**

**Transactions involving Transfers of PRPB's personnel of the rank system during the month of July of 2018.**

**Analysis on how transfers of personnel are carried out within the PRPB Human Resources Division and whether the process can be improved.**

On July 18, 2018, during a Status Conference held in case Number 3:12-cv-02039, the United States District Court (Judge Gustavo Gelpi) approved a request of the Technical Compliance Advisor (TCA) to conduct an independent evaluation and assessment, followed by a report, of recent transactions of transfer of personnel of the rank system of the Puerto Rico Police Bureau (PRPB). The Court also authorized to designate retired United States Special Agent and TCA investigator Jose Pujol to support the TCA's office efforts. The Court further instructed that the parties shall fully cooperate with Mr. Jose Pujol and the TCA and immediately agree to the evaluation's methodology.

Pursuant to the Court's instructions to assess transactions and report on findings, and pursuant to Paragraph 227 of the Agreement, the following

Assessment Methodology for the transactions of transfer of personnel of the PRPB realized on the month of July 2018 by the PRPB is hereby submitted:

**Focus of the Assessment:**

The primary focus of this ASSESSMENT is centered on PRPB's compliance with the Agreement for the Sustainable Reform of the PRPB, hereinafter the Agreement and General Order "Normas y Procedimientos para las Transacciones de Traslado del Personal del Sistema de Rango" (Spanish for "Rules and Procedures for the Transactions of Transfer of Personnel of the Rank System"). Paragraph 197 of the Agreement establishes the prevention of retaliation that the PRPB shall enforce. Paragraph 248 of the Agreement covers methodologies for the TCA's compliance reviews, that is, "At least 90 days prior to the initiation of any outcome assessment or compliance review, the TCA shall submit a proposed methodology for the review or assessment to the Parties. The Parties shall submit any comments or concerns regarding the proposed methodology to the TCA within 45 days of the proposed date of the review or assessment. The TCA shall modify the methodology as necessary to address any concerns or shall inform the Parties in writing of the reasons it is not modifying its proposed methodology. Any unresolved disputes involving the TCA's methodology may be submitted to the Court for resolution."

The Agreement, PRPB's General Order on Rules and Procedures for the Transactions of Transfers of Personnel of the Rank System (300-305), Regulation 8841 on the handling of Administrative Complaints Against PRPB Personnel and the Internal Regulation on Discrimination, Harassment, and Retaliation stand as the primary legal basis for the Assessment. The TCA will handle allegations of misconduct and other potential violations of criminal law in accordance with the Court's orders.

In sum, the assessment will evaluate whether PRPB's actions complied with the Agreement, the General Order, PRPB's Regulations and best practices and constitutional protections as mandated by the Agreement.

**Extent of Assessment:**

The Assessment will cover and evaluate all actions taken by the PRPB in relation with transactions of transfers of PRPB personnel of the rank system during the month of July of 2018, regarding GO Chapter 300, Section 305, "Rules and Procedures for the Transactions of Transfer of Personnel of the Rank System", and regarding the following areas of the Agreement:

Paragraph # 197, “Preventing Retaliation. PRPD policy shall expressly prohibit all forms of retaliation, whether subtle or direct, including discouragement, intimidation, coercion, duty-station reassignment, or adverse action, against any person, civilian or officer, who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. Retaliation shall be considered a serious policy violation and shall subject an officer to serious disciplinary action, up to and including termination” and Paragraph # 13, “PRPD shall assess the appropriate number of sworn and civilian personnel to perform the different department functions necessary to fulfil its mission. To do so, PRPD” shall conduct a staffing allocation and resource study. The study shall form the basis for a staffing and resource allocation plan that is consistent with community-oriented policing principles and supports the systematic use of partnerships and problem-solving techniques. To foster community-oriented policing, the plan shall consider deployment practices that offers officers opportunities to serve the communities in which they reside.”

This Assessment will also inquire in how transfers are carried out within the PRPB Human Resources Division and whether the process can be improved.

The nature of this assessment is comprehensive and sensitive, due to existence of allegations in the press that some transfers of personnel in the PRPB were made in retaliation for disobeying some orders (which could have been illegitimate) from their chain of command; therefore, it requires a great deal of information gathering and a substantial amount of time to conduct the assessment at its fullest. As in past practices in the conduct of other TCA’s evaluations of PRPB programs, the instruments to be used for this assessment among others are: 1) PRPB Document Research, 2) Interviews (individual, collective or focus groups), 3) study conducted by the TCA of transactions of transfers according to Chapter 300 Section 305 of the General Order “Normas y Procedimientos para las Transacciones de Traslado del Personal del Sistema de Rango” (Spanish for “Rules and Procedures for the Transactions of Transfer of Personnel of the Rank System”) titled “Revisión del TCA de las Transacciones de Traslados de Septiembre del 2016 a Enero del 2017, TCA Arnaldo Claudio. 28 de Febrero de 2017”, and the Agreement for the Sustainable Reform of the Puerto Rico Police Department, 4) Evaluation of documentation related to each transfer (including all files/documents/records in the custody of the office of Human resources), 5) Interview of personnel affected by the transfers, 6) Interview of Chain of Command related to the place of work of the transferred personnel, and the Chain of Command related to the place of work where the personnel was transferred, 7) Review of Communications and Information

Technology. These instruments can be used alone or complementing each other. Upon completion, the TCA will brief the Parties and the PRPB and submit a report to the Court.

The Assessment will be conducted by Mr. Jose Pujol with the legal support of the Constitutional attorneys of the TCA's Office and under direct supervision of the TCA.

- The Assessment will be conducted by interviewing members of the PRPB that have been recently transferred within the PRPB (an identifier will be used in the report and their names will be maintained in a separate document). The TCA personnel will advise interviewees that the interviews are voluntary and not a condition of their employment. The TCA staff will inquire if any of the interviewees has submitted any official complaint related to their transfer and if any investigation has been opened based on their Complaints. If the response is in the affirmative and the interviewee has no opposition, the TCA staff will continue with the interview. These interviews will be conducted in a confidential manner, restricted to personnel from the TCA Office and the interviewee.
- The Assessment will also be conducted by interviewing members of the PRPB and other Commonwealth Officials that may have ordered the transfers or participated in the planning, the organizing, or the execution of the transfers, and any other witnesses as well. The TCA will also advise these interviewees that the interviews are ordered by the Court.
- As part of the Assessment, all available documentation will be reviewed searching for the accuracy of the information provided by all interviewed individuals.
- As part of the Assessment, all available documents, reports and forms prepared by the PRPB and any other Commonwealth Agencies or dependencies, if any, in relation to the transactions of transfers, will be reviewed. Photocopies of any and all documents requested shall be provided forthwith to the person designated to conduct the assessment to be used as support documents.
- The Assessment will examine the transactions of transfers based on the rules established by the General Order and the Agreement and the results found will be provided to the Court and the Parties. Any recommendations to

improve the transfer process or address other deficiencies will be directed to the Commonwealth through the Puerto Rico Department of Justice and the PRPB.

- The specifications of this assessment will provide the opportunity to focus on the analysis of the transaction of transfers of personnel of the rank system under the *aegis* of policies enacted pursuant to the Agreement and regulating the current conduct of the PRPB; Analysis of issues stemming from transaction of transfer of personnel of the rank system, and recommendations for the PRPB in our role as technical advisors.
- During the Assessment it will be verified if the transfer system is automated, if the PRPB Human Resources Department will use the KRONOS system to track, approve, and audit Transfers and which is the status of implementation of an automated system.
- During the Assessment, the Director and personnel of the Human Resources Department of the PRPB will be interviewed in order to understand how transfers are carried out within the PRPB and whether the process can be improved.

**Specific areas of reference data** (Reference data, in the context of data management, are the data objects relevant to transactions, consisting of sets of values, statutes and/or classification schema):

- paragraph 197 of the Agreement.
- current policy on transfers of personnel within the PRPB, Transactions of Transfers of Personnel of the Rank System (300-305), Regulation 8841 on the handling of Administrative Complaints Against PRPB Personnel and the Internal Regulation on Discrimination, Harassment, and Retaliation stand as the primary legal basis for the Assessment.
- number and names of officers/agents transferred during the time set for this Assessment.
- types of transfers and their corresponding procedures.
- transfers to Specialized Divisions and its procedures.
- voluntary transfers and its procedures.
- transfers for exchange and its procedures.
- transfers due to the demand of the service or for the professional development of the PRPB personnel and its procedures. The TCA will examine the needs assessments relied upon by the Commonwealth to address “demand of service.”

- internal and external transfers of personnel and its procedures

## **Specifications:**

### Qualitative data gathering methods:

#### 1. Documentary Research:

Documentary evidence will be reviewed. This documentation will include internal and external institutional reports, correspondence, organizational and staffing charts, personnel and training records, administrative reports, MOUs and other agreements, planning documents, needs assessments. The review of documents or any type of physical evidence will not be limited to those provided by the PRPB. Documents may include all pertinent materials prepared by any other government agency, local or federal, made available for this assessment.

#### 2. Organizational audits of the transfer process:

The TCA will review PRPB's audits performed to the transfer process.

#### 3. Interviewing Key Personnel:

Key personnel able to provide information about the transfers of personnel of the rank system will be interviewed. The best method to collect primary source data is the interviewing of key decision-makers. Unlike an organizational self-assessment report or questionnaire, organizational capacity assessment generates its basic assumptions based on face-to-face, one-on-one targeted interviews. Instead of using a structured questionnaire framework, where interviewers read the questions exactly as they appear on the survey questionnaire and the choice of answers to the questions is often fixed in advance, special emphasis will be placed on semi-structured questions that allow expanded answers and may bring into perspective additional unknown issues.

#### 4. Focus Group Discussions:

Aside from in-depth interviews, the TCA will use other qualitative methods as needed, such as focus group discussions. The focus group process can take advantage of interactions within the group to stimulate participants to the exchange of information that may generate new material. Talking to staff

or other stakeholders of an institution in group provides an opportunity to elicit information or check impressions gained from face-to-face interviews

#### 5. Site visits and observation:

The TCA Office will use site visits and observation to gain additional information. Observations can expose information not otherwise obtained or validate information gained by other means. Observation of the physical assets of an institution is a way to assess an institution's stock (for example, inventory, equipment, facilities, and so forth). Observation of the behavior of the staff is much more difficult, especially if the time span available is short, but may provide important insight.

#### 6. Quantitative data collection methods

The TCA Office will use the expertise of the members of the Core Team familiar with statistical techniques and data analysis to evaluate complex matters where statistical significance is a prime or significant element required to determine the extent of a problem and the available solution. Although simple descriptive analysis procedures are usually sufficient, results sometimes may end in the realm of unwanted generalizations. The focus will be on measures, central tendency, variability, comparison of groups, and relationships between variables.

The TCA instructed Investigations Consultant (IC) Jose L. Pujol to conduct the Court ordered **ASSESSMENT** and to report on his findings. IC Jose Pujol will base his work on:

- His law enforcement training and experience as a federal Special Agent for approximately twenty-one (21) years.
- The Agreement for the Sustainable Reform of the Puerto Rico Police Department (Item #73).
- The Puerto Rico Police Bureau's General Orders.
- Consultation on complex legal issues with TCA Constitutional Attorneys.

IC Jose Pujol, based on law enforcement experience, training, knowledge of the Agreement for the Sustainable Reform of the Puerto Rico Police Department and the Puerto Rico Police Bureau's General Orders, all the evidence and facts collected during the Assessment, all the work performed,



the support and advice received from all the TCA team, will formulate findings and recommendations that will be fully described in an Assessment Report and will be duly submitted.

S: Arnaldo Claudio,  
Technical Compliance Advisor